

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSE GUADALUPE VALERIO-GOMEZ,

Plaintiff,

v.

GEO GROUP, et al.,

Defendants.

CASE NO. C13-6010 RBL-JRC

REPORT AND
RECOMMENDATION

NOTED FOR:
JUNE 6, 2014

The District Court has referred this *Bivens* action to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), Fed. R. Civ. P. 72, and local Magistrate Judge Rules MJR3 and MJR4. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

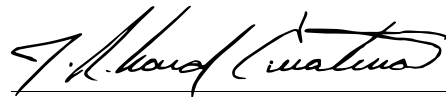
On December 6, 2013, the Court ordered plaintiff to file an amended complaint and the Court gave plaintiff guidance regarding the defects in his original complaint (Dkt. 6). In late December, plaintiff responded by letter and provided the names of some of the medical staff he wanted to name as defendants (Dkt. 7). Plaintiff did not file an amended complaint.

1 On February 3, 2014, the Court again ordered plaintiff to file an amended complaint
2 (Dkt. 8). The Court gave plaintiff until February 28, 2014 to comply with the Court's order.
3 Plaintiff again responded by letter, but did not submit an amended complaint. This matter has
4 now been pending for six months and the Court does not have a complaint it can serve on a
5 named defendant. Plaintiff knows the identity of several of the medical providers and has given
6 the Court the information in his correspondence (Dkt. 9).

7 The Court recommends dismissal of this action for failure to comply with the Court's
8 orders to file an amended complaint. Fed. R. Civ. P. 41(b) provides for involuntary dismissal of
9 an action where plaintiff fails to prosecute the action or comply with court orders. Dismissal
10 under this section is without prejudice unless the order states otherwise. The Court recommends
11 dismissal of this action without prejudice.

12 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
13 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
14 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
15 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
16 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on June
17 6, 2014, as noted in the caption.

18 Dated this 15th day of May, 2014.

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21 J. Richard Creatura
22 United States Magistrate Judge
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